

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Monnica Garcia as Personal Representative
of the Estate of Anthony Mancini,

Plaintiff,

v.

CCA of Tennessee, LLC
CCA Health Services, LLC
Torrance County Detention Facility,
and John Does 1-10,

Defendants.

NO. _____

NOTICE OF REMOVAL

Defendants Corrections Corporation of America, and CCA Health Services, LLC¹, pursuant to Rule 81(c), Fed.R.Civ.P., hereby notice the removal of the above-captioned case from the Second Judicial District Court, County of Bernalillo, State of New Mexico, filed under Case No. D-202-CV-2014-06501, to this Court and in support thereof assert:

1. On or about October 15, 2014, Plaintiff filed a Complaint against the above-captioned Defendants in the Second Judicial District Court, County of Bernalillo, State of New Mexico, filed under Case No. D-202-CV-2014-06501, under the caption *Monnica Garcia as Personal Representative of the Estate of Anthony Mancini v, CCA of Tennessee, LLC, CCA Health Services, LLC, Torrance County Detention Facility, and John Does 1-10*. A copy of the Complaint is attached as Exhibit “A.”

¹ Plaintiff also named Torrance County Detention Facility as a party to the Complaint, but Torrance County Detention Facility is a building, not an entity capable of being sued, and is therefore not a proper party. See Fed.R.Civ.P. 17.

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1332. This action may be removed pursuant to 28 U.S.C. § 1441(b) because Defendant Corrections Corporation of America (“CCA”) is not a citizen of the State in which such action is brought. Defendant CCA is a Maryland corporation, with its principle place of business located in Davidson County, Tennessee. Likewise, CCA Health Services is not a citizen of the State in which such action is brought. Defendant Torrance County Detention Facility is a non-jural entity incapable of being sued.

3. This Notice of Removal is being filed within thirty (30) days after initial receipt of the Complaint and is timely filed under 28 U.S.C. § 1446(b).

4. Defendants’ responsive pleading to Plaintiff’s Complaint will be filed within five days of the filing of this removal.

5. The amount in controversy exceeds \$75,000 and this Court has jurisdiction under 28 U.S.C. § 1332(a)(1). Pursuant to that provision, this Court has original jurisdiction over civil actions where the matter in controversy exceeds \$75,000 and is between citizens of different states. This action may be removed pursuant to 28 U.S.C. § 1441(a) because Plaintiff’s have made a demand in excess of \$75,000—satisfying the minimum amount in controversy requirement, and the parties are diverse.

6. All parties in this matter have been served and consent to removal.

7. A Notice of Filing of Notice of Removal, a true and correct copy of which is attached as Exhibit “B,” has been filed in the Second Judicial District on behalf of the Defendants.

WHEREFORE, Defendants respectfully request that the above action now pending in the Second Judicial District for the State of New Mexico, County of Bernalillo, be removed to this Court.

Dated: November 26, 2014

/s/ Christina Retts

CHRISTINA RETTS, NM Bar No. 132585
STRUCK WIENEKE & LOVE, P.L.C.
3100 West Ray Road, Suite 300
Chandler, AZ 85226
Tel: (480) 420-1600
Fax: (480) 420-1696
cretts@swlfirm.com

DEBORAH D. WELLS
DEBRA J. MOULTON
KENNEDY, MOULTON & WELLS, P.C.
2201 San Pedro NE, Bldg. 3, Suite 200
Albuquerque, New Mexico 87110
Tel: (505) 884-7887
Fax: (505) 884-7123
ddwells@kmwpc.com
dmoulton@kmwpc.com

*Attorneys for Defendants Corrections
Corporation of America CCA Health Services,
LLC, and Torrance County Detention Facility*

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Paul M. Dominguez
Marble Law
601 Marble Avenue NW
Albuquerque, NM 87102
Attorney for Plaintiffs

Leon Howard
The Law Office of Lucero & Howard
PO Box 25391
Albuquerque, NM 87125
Attorney for Plaintiffs

Deborah D. Wells, Esq.
KENNEDY, MOULTON & WELLS, P.C.
2201 San Pedro NE, Bldg. 3, Suite 200
Albuquerque, New Mexico 87110

I hereby certify that on this same date, I served the attached document by U.S. Mail, postage prepaid, on the following, who is **not** a registered participant of the CM/ECF System:

N/A

/s/ Christina Retts